

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Trini Louis Charlton

Docket No. 5:12-CR-183-1H

Petition for Action on Supervised Release

COMES NOW Eddie J. Smith, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Trini Louis Charlton, who, upon upon a finding of guilt by jury to 18 U.S.C. §§ 2113(e) and 2, Bank Robbery, 18 U.S.C. §§ 2113(d) and 2, Bank Robbery with a Dangerous Weapon, and 18 U.S.C. §§ 924(c)(1) and 2, Carry and Use Firearm During Bank Robbery, was sentenced by the Honorable William L. Osteen, U.S. District Judge in the Middle District of North Carolina (MDNC), on December 30, 1994, to the custody of the Bureau of Prisons for a term of 160 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the standard conditions adopted by the court and the following additional conditions:

1. If ordered to the custody of the Bureau of Prisons, the defendant shall report in person to the probation office in which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgement imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm or destructive device.
4. The defendant shall participate in a substance abuse treatment program which may include urinalysis, or other forms of testing as directed by the U.S. Probation Officer.
5. The defendant shall provide the U.S. Probation Officer access to any requested financial information.
6. The defendant shall pay restitution as set out on page 4 of this judgment.

The amount of restitution is \$18,927.00 and was ordered to be paid jointly and severally with co-defendant Tracy Lee Charlton. Trini Louis Charlton was released from custody on December 20, 2010, at which time the term of supervised release commenced. On March 2, 2011, the court modified the conditions of supervision to include the following:

In the event the entire amount of criminal monetary penalties imposed is not paid prior to the commencement of the term of supervised release, the defendant shall make payments in equal, monthly installments of \$25.00 to begin 60 days after the commencement of the term of supervised release and continuing during the entire term of supervised release or until paid in full.

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On April 27, 2012, a violation report was submitted to the MDNC reporting the defendant tested positive for marijuana on April 26, 2012 and acknowledged using marijuana on April 24, 2012. As a result, we requested a transfer of jurisdiction. Jurisdiction was transferred from the MDNC to the Eastern District of North Carolina on June 14, 2012.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: The defendant submitted to a urine sample on June 1, 2012, that tested positive for marijuana. When confronted with the results, the defendant admitted to using marijuana prior to the test. At this time, the defendant denies needing substance abuse counseling. In an effort to deter additional use, we are recommending that the conditions of supervision be modified to include six days in jail. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

The defendant shall be confined in the custody of the Bureau of Prisons for a period of 6 days, as directed by the probation office, and shall abide by all rules and regulations of the designated facility.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

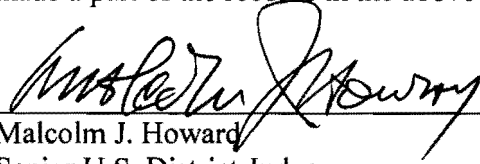
I declare under penalty of perjury that the foregoing is true and correct.

/s/ Robert L. Thornton
Robert L. Thornton
Supervising U.S. Probation Officer

/s/ Eddie J. Smith
Eddie J. Smith
U.S. Probation Officer
310 Dick Street
Fayetteville, NC 28301-5730
Phone: (910) 483-8613
Executed On: June 21, 2012

ORDER OF COURT

Considered and ordered this 25th day of June, 2012, and ordered filed and made a part of the records in the above case.


Malcolm J. Howard
Senior U.S. District Judge